

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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ANDREA FIELDS,  
MATTHEW DAVISON, also known as Jessica Davison,  
and VANKEMAH D. MOATON,

Plaintiffs,

v.

Case No. 06-C-112 (CNC)

WARDEN JUDY P. SMITH,  
THOMAS EDWARDS,  
JAMES GREER,  
ROMAN KAPLAN, MD,  
and RICHARD RAEMISCH,

Defendants.

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**DECLARATION OF ERIK R. GUENTHER**

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I, Erik R. Guenther, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am co-counsel for Plaintiffs in the above-captioned action.
2. I submit this Declaration in support of Plaintiffs' Motion for Attorneys' Fees and Costs.
3. I was admitted to the bar in Wisconsin in 2002 and I am a member in good standing. I have also been admitted to practice in the federal courts in the Eastern and Western Districts of Wisconsin, the Court of Appeals for the Seventh Circuit and the Supreme Court of the United States. Additionally, I have been admitted to practice before the International Criminal Court, as an Assistant to Counsel.

4. In 2002, I received a juris doctorate from the University of Wisconsin-Madison. In 1999, I graduated from Carthage College, *magna cum laude*, with a Bachelor of Arts degree in Economics and Business Administration.

5. Since December 2004, I have been an attorney with Hurley, Burish & Stanton, S.C., in Madison, Wisconsin. From 2002 to 2004, I was an associate attorney with Hostak, Henzl & Bichler, S.C., in Racine, Wisconsin. Throughout my legal career, I have focused my practice on criminal defense and constitutional law litigation. I have lectured in both areas of law. I have also worked on the improvement of legal systems in Afghanistan and in Belize, in programs funded by the U.S. Department of State. While I remain a member of my firm, I am currently serving as the Deputy Country Director with the American Bar Association Rule of Law Initiative (ABA ROLI) in Belize.

6. I represented the ACLU of Wisconsin as *amicus curiae*, in *Siefert v. Alexander*, 619 F.3d 776 (7th Cir. 2010), *cert. denied*, No. 10-405 (U.S. May 12, 2011) (finding a Wisconsin Judicial Code provision which prohibited judges, judges-elect and candidates for judicial office from belonging to a political party to be unconstitutional). In 2002 to 2003, I served as co-counsel with the ACLU of Wisconsin and successfully obtained dismissal, on First Amendment grounds, on behalf of 450 individuals cited as “inmates of a disorderly house” for attendance at an electronic music event in Racine County, Wisconsin, in 2002. I also served as a constitutional law consultant in a similar matter in Michigan, resulting in dismissal of “disorderly house” citations issued to 94 individuals in 2005.

7. Attached hereto as Exhibit A are true and correct copies of my time report and cost reports reflecting work done and expenses incurred by Hurley, Burish & Stanton, S.C. in litigating the above action.

8. The time report is based on contemporaneously maintained time records. It lists the date on which the work was done, a description of the tasks performed, and the time devoted to each task. My hourly rate is recorded accurately at \$275.00 and this has been my hourly rate since prior to the inception of this matter. Descriptions of tasks performed were edited to eliminate identifying information of prisoners other than named plaintiffs and to protect privileged and confidential information. The time report fairly and accurately represents the time I spent on this case.

9. The cost reports are based on entries in my firm's accounting software and fairly and accurately reflect actual expenses incurred in litigating this case.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Dated this 28th day of October, 2011 at Belmopan, Belize.

/s Erik R. Guenther  
Erik R. Guenther  
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